

#2481-03

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 3621**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tadamitsu MIYAWAKI et al.

Group Art Unit: 3621

Application No.: 09/388,935

Examiner: J. Hayes

Filed: September 2, 1999

Docket No.: 104144

For: CONTENTS DISTRIBUTION METHOD AND SYSTEM

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**SUPPLEMENTAL REQUEST FOR RECONSIDERATION
AFTER FINAL REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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Further to the Advisory Action mailed on July 7, 2003, the following Supplemental Request for Reconsideration is submitted to reply to the arguments made in the Advisory Action. Reconsideration is respectfully requested in view of the following remarks. Claims 1, 4-8 and 11-15 are pending.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 4-8 and 11-15 under 35 U.S.C. §103(a) over Dillon (U.S. Patent No. 5,727,065) in view of Bowman (U.S. Patent No. 5,999,623) and Downs (U.S. Patent No. 6,226,618 B1). The rejection is respectfully traversed.

In particular, neither Dillon, Bowman nor Downs, individually or in combination, disclose or suggest a content distribution method including encrypting and distributing contents along with summary information showing a summary of contents to the plural users.

displaying summary information only if decoding information accompanying the encrypted contents can be utilized by the user wherein the decoding information determines which encrypted contents among the distributed contents can be utilized by the user, as recited in independent claim 1, and similarly in independent claim 7.

The undersigned reasserts the arguments made with respect to Dillon, Bowman and Downs in the Request for Reconsideration After Final Rejection filed on June 19, 2003. Furthermore, the undersigned replies to the arguments made in the Advisory Action filed on July 7, 2003.

The Advisory Action argues that Downs discloses the electronic digital content store (EDCS) uses the Content Acquisition Tool to package electronic information for electronic distribution to end users, citing col. 9, lines 15-35. The Advisory Action further argues that Downs discloses that the metadata is not freely available to end users since the metadata is encrypted and included in a secure container, citing col. 38, line 21 - col. 39, line 20, and col. 52, lines 40-51. The Advisory Action also argues that the summary information is not displayed to the end user unless it has been decrypted using the decryption information, citing col. 73, lines 23-32, in the scenario where the content provider wants to charge a fee for the summary information. Thus, the Advisory Action concludes that Downs discloses displaying summary information only if it can be decoded by the user. These arguments are respectfully traversed.

Col. 9, line 50 - col. 10, line 5, defines an electronic digital content store (EDCS) as an entity that markets contents 113 and can be a Web site that provides electronic downloads of software. This is shown in Figs. 1B and 1D. In the EDCS, the Content Acquisition Tool 171 is a web browser helper application which launches whenever a metadata SC 620 link is selected at the Contents Promotions Website 156. Selection of a metadata SC 620 causes it to be downloaded to the EDCS 103 and launches the helper application. The Content

Acquisition Tool 171 opens the metadata SC 620 and displays the non-encrypted information contained therein. Displayed information includes extracted metadata 173, for a music example, the graphic images associated with a song and information describing the song, a preview clip of the song can also be listened to if included in the metadata SC. This information is displayed as series of linked HTML pages in the browser window (of the user). Purchasable content 113 and whatever other metadata the content provider wishes to protect is not accessible to the retail content website 100. See col. 73, lines 12-32. Downs does not further disclose what the other metadata refers to.

However, Downs expressly discloses that information describing the song, such as preview (i.e., summary information) is displayed at the Contents Promotions Website and is freely available to the enduser. In fact, Downs teaches away the subject matter of the claimed invention. In particular, Downs discloses that all interaction is between the Web Server for the EDCS 103 and the Browser on the End-User Device 109. This includes preview of sample Digital Content clips which are not packaged into SC(s) but instead are integrated into the web service of the EDCS 103. See col. 79, line 63 to col. 80, line 5.

Other passages in Downs support of the free availability of the summary information. For example, in col. 18, Downs discloses the following steps: (step 125) the Content 113 is compressed using the Content 113 Encoding Tool to the desired compression level and the Content 113 and the subset of its metadata is encrypted with a symmetric key by the SC packer. This tool then encrypts the tool using the Public Key of the Clearinghouse 105 to produce an Encrypted Symmetric Key. This key can be transmitted anywhere without comprising the security of the Content 113 since the only entity that can decrypt it is the Clearinghouse 105. (Step 126) The encrypted Symmetric Key, metadata and other information about the Content 113 is then packed into a Metadata SC by the SC Packer Tool 152. (Step 127) the encrypted Content 113 and metadata are then packed into a Content SC.

At this point the processing on the Content 113 and the metadata is complete. (Step 128) the Metadata SCs is then sent to the Content Promotions Website 156 using the Content Distribution Tool. (Step 129) the Content Distribution Tool sends the Content SC to the Content Hosting Site 111. The Content Hosting Site can reside at the Content Provider 101, the Clearinghouse 105 or a special location dedicated for Content Hosting. The URL for this site is part of the metadata that was added to the Metadata SC. (Step 130) The Content Promotions Website 156 notifies Electronic Digital Content Stores (EDCS) 103 of new Content 113 that is added to System 100. (Step 131) Using the Content Acquisition Tool, EDCS 103 then download the Metadata SCs that correspond to a Content 113 they wish to sell. (Step 132) the EDCS 103 will use the Content Acquisition Tool to pull out any data from the Metadata SCs that they want to use to promote the Content 113 on their Web site. While Downs discloses that access to portions of this metadata can be secured and charged for if desired, Downs does not discloses, teach or even suggest displaying summary information only if decoding information accompanying the encrypted contents can be utilized by the user wherein the decoding information determines which encrypted contents among the distributed contents can be utilized by the user.

Accordingly, Downs does not disclose the features of the claimed invention.

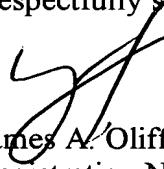
Because the applied references fail to disclose this feature, any combination of the references would not have resulted in the claimed invention. Accordingly, independent claims 1 and 7 define patentable subject matter. Claims 4-5, 8 and 11-15 depend from independent claims, and therefore also define patentable subject matter. Accordingly, withdrawal of the rejection of the rejection under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing amendments and remarks, this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4-8 and 11-15 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:YSC/hs

Date: July 22, 2003

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